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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 4/7/06

UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING; ORDER
v.)	
)	
MARIO PONCE,)	
)	
Defendant.)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, April 3, 2006, at 9:00 a.m., be continued to Monday, May 8, 2006, at 9:00 a.m. The defense requests the continuance because Mr. Ponce's counsel in a related proceeding has filed a motion in state court to obtain post-conviction relief for the felony conviction that rendered Mr. Ponce deportable. That motion has been pending for approximately one month, and Mr. Ponce is awaiting a ruling.

The parties further agree that time should be excluded under the Speedy Trial Act because the defense requires time for investigation and preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy trial.

1 Dated: 3/30/06

/s/

LARA S. VINNARD
Assistant Federal Public Defender

3 Dated: 3/30/06

/s/

SUSAN KNIGHT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW
)	
Plaintiff,)	ORDER CONTINUING
v.)	HEARING AND EXCLUDING TIME
)	
MARIO PONCE,)	
)	
Defendant.)	
_____)	

The parties have jointly requested a continuance of the hearing set for April 3, 2006, on grounds that the defense is awaiting a ruling in state court on a motion to obtain post-conviction relief for Mr. Ponce with respect to the conviction that rendered him deportable.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for April 3, 2006, be continued to May 8, 2006, at 9:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from April 3, 2006, to May 8, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

Dated: 4/7/06

/S/ RONALD M. WHYTE

RONALD M. WHYTE
United States District Judge